

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RAOUL MARRADI,)	
Plaintiff)	
)	
v.)	C.A. No. 18-12011-MLW
)	
BOM CAFE ET AL.,)	
Defendants.)	

ORDER

WOLF, D.J.

January 17, 2019

On November 5, 2018, plaintiff's counsel filed a Suggestion of Death of plaintiff Raoul Marradi. See Docket No. 9. The Suggestion of Death indicates that upon counsel's information and belief, the plaintiff has passed away. It also indicates that plaintiff's counsel is not aware of anyone who has been designated or is serving as successors or representatives of Raoul Marradi.

Federal Rule of Civil Procedure 25(a)(1) provides that "[a] motion for substitution may be made by any party or by the decedent's successor or representative," but if the motion is not made within 90 days "after service of a statement noting the death," the action must be dismissed. See Fed. R. Civ. P. 25(a)(1). The court concludes that a filing by plaintiff's counsel is sufficient to trigger the 90-day period. See Order on Suggestion of Death of Plaintiff Raoul Marradi, Raoul Marradi v. 724

Huntington Avenue. Inc. and Bringham Circle Tr., C.A. No. 18-I1469-FDS (Nov. 6, 2018) (Saylor, J.).

In view of the foregoing, it is hereby ORDERED that this case is STAYED until a proper party is substituted. If no party is substituted within 90 days of the filing of the Suggestion of Death (Docket No. 9), the case will be dismissed.


UNITED STATES DISTRICT JUDGE